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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Human Rights Council must take action to ensure an end to crimes against humanity in the Democratic People's Republic of Korea

Amnesty International welcomes the report of the Commission of Inquiry on human rights in the Democratic People's Republic of Korea (Commission). The report presents a comprehensive review of the systematic, widespread and grave human rights violations in the Democratic People's Republic of Korea (DPRK) and the conclusion that many of these amount to crimes against humanity corresponds with Amnesty International's own findings. These violations indeed span almost the entire range of human rights.

While the government of the DPRK has continued to refuse to cooperate with the Commission and the Special Rapporteur on human rights in the DPRK, other UN member states must not ignore this comprehensive report. They must take strong action to ensure an end to these grave violations of human rights.

Amnesty International has reported that hundreds of thousands of people—including children—are held in political prison camps and other detention facilities in the DPRK, where they are subject to gross and systematic human rights violations. Many of those held in political prison camps are relatives of those deemed unfriendly to the North Korean administration and are detained as a form of collective punishment.

Amnesty International has collected testimonies of former detainees and prison guards at political prison camps in the DPRK to obtain information about conditions and treatment within these detention facilities. Former prisoners from the political prison camp at *kwanliso* 15 (Yodok) for instance told Amnesty International that inmates are forced to work in slave-like conditions and are frequently subjected to torture and other cruel, inhuman or degrading treatment or punishment.

While the DPRK government has continued to deny the existence of political prison camps, Amnesty International published again in 2013 analysis of satellite imagery that demonstrates the existence and continued use of these camps. In March 2013, Amnesty International released satellite imagery[1] analysis of political prison camp 14 (*kwanliso 14)* and the surrounding area commissioned by the organization's Science for Human Rights Program. The analysis of images taken between 2006 and 2013 found there was an observable increase in security infrastructure. A 20km perimeter was established, encircling the Choma-bong valley, sharing over 3km of its eastern border with *kwanliso* 14. By 2010, the full perimeter was established with some 20 guard posts erected. The activity observed in the satellite images points to a tightening in the control of movement of the local population adjacent to *kwanliso* 14, thus blurring the distinction between those detained in the camp and the valley's inhabitants.

In December 2013 the organization released further satellite image analysis of political prison camp (kwanliso)15 at Yodok in South Hamgyong province and kwanliso16 at Hwaseong in North Hamgyong province. The images show a possible increase in the population in kwanliso16. The satellite images reveal significant economic activity such as mining, logging and agriculture which, according to testimony, use a prison labour force who work long hours in dangerous conditions, are subjected to denial of food as punishment and are allowed only limited hours of rest. Of further concern, both political prison camps remain under tight control with movement restricted by secured entrance gates, guard towers and internal check points.

While it is estimated that over a hundred thousand people face appalling human rights violations within the system of political prison camps in the DPRK, the rights to freedom of expression, assembly and association are severely curtailed outside the camps as well. There is no independent domestic media, no known independent opposition political parties and no independent civil society. Life for the ordinary population also remains dominated by extreme forms of repression, the persistent threat of arbitrary detention and food shortages. Amnesty International in 2010 found that the grain distribution by the Public Distribution System was inadequately resourced, but nonetheless reportedly favoured specific groups such as officials of the Korean Worker's Party, the State Security Agency, military and military industry, and miners.

Under national law, DPRK nationals are required to obtain permission to travel both internally and abroad. Those who violate travel restrictions face severe punishment as was detailed in the Commission's report. Amnesty International noted with concern statements and actions by North Korean authorities in 2013, which indicated that the government was escalating its efforts to prevent people from fleeing the country.

Amnesty International documented repatriations in 2013 including nine North Korean teenagers who were arrested in Laos and forcibly returned to the DPRK via China in May. In July 2013, Kim Kwang-ho, his wife and daughter escaped from the DPRK to China, accompanied by two of his wife's relatives, Kim Song-il and Kim Son-hye. The Chinese authorities allowed Kim Kwang-ho, his wife and daughter to go to the Republic of Korea. However, Kim Song-il and Kim Son-hye were reportedly forcibly returned to the DPRK. The Commission in its report urged countries to respect the principle of non-refoulement and abstain from forcibly repatriating any persons to the DPRK.

North Korean officials agreed on 13 August 2008 to re-open investigations into the fate and whereabouts of several Japanese nationals. On 17 September 2002, North Korean leader Kim Jong-il admitted to then Prime Minister Koizumi Junichiro that the DPRK had abducted 13 Japanese nationals in the 1970s and 1980s. The DPRK's widespread policy of enforced disappearance has affected the lives of tens of thousands of people from at least 11 countries including its own nationals, and from the Republic of Korea, Japan, Thailand and Lebanon. Instances of enforced disappearance cover the period from the Korean War (1950-53) to the present. In the majority of cases the North Korean authorities refuse to acknowledge the detention of these individuals or to provide information on their fate or whereabouts.

While exact numbers of executions and death sentences are very difficult to confirm, Amnesty International noted a large number of reported executions in 2013 including of political opponents of North Korea's leader Kim Jong-un. Other acts for which people were reportedly executed included murder and cannibalism, embezzlement, pornography, escaping to China, corruption, activities that countered the goals of the Korean Workers' Party and watching banned videos from the Republic of Korea. Death sentences continued to be handed down, including for acts that do not meet the threshold of the "most serious crimes" under international law and for acts that do not carry the death penalty under North Korean law.

For too long, insufficient attention has been given to the enormity of the human rights violations in the DPRK while governments have focussed on the issues of security and peace. It is the responsibility of UN member states to ensure that human rights are at the forefront of the agenda on the DPRK and take this new opportunity to press for concrete action.

Amnesty International urges the Human Rights Council to:

- extend the mandate of the Special Rapporteur on the situation of human rights in the DPRK;
- establish a structure to help to ensure accountability for human rights violations in the DPRK and to continue the collection of evidence and documentation work of the Commission;
- urge the UN Secretariat and agencies to urgently adopt and implement a common "Rights up Front" strategy to ensure that all engagement with the DPRK effectively takes into account and addresses human rights concerns; and
- ask that the Secretary-General refer the report of the Commission to the Security Council.

Amnesty International calls on the DPRK government to:

- acknowledge the existence of human rights violations and the political prison camps;
- immediately close down all political prison camps and immediately and unconditionally release all prisoners of conscience, including relatives being held on the basis of 'guilt-by-association';
- release all other inmates or charge them with an internationally recognizable offence, and conduct a fair trial in line with international standards without recourse to the death penalty;

- take immediate and transparent action to stop the use of torture and other ill-treatment of all detainees in political prison camps and other detention facilities, including hard forced labour and denial of food as punishment;

- respect, protect and fulfill the right to an adequate standard of living, including the right to adequate food and the right to the enjoyment of the highest attainable standard of physical and mental health;

- ensure that government policy on access to food and health is free of discrimination and political considerations, and give the necessary attention to the needs of marginalized groups;

- amend the Criminal Code so that leaving the country without permission does not constitute a criminal offence;

- abolish the requirement for permission to travel internally and abroad;

- ensure that no one is detained or prosecuted for leaving the country without permission or subjected to torture and other ill-treatment, forced labour, enforced disappearance or the death penalty on return;

- immediately stop all abductions and enforced disappearances and ensure that all persons subjected to abduction or enforced disappearance are free to leave the DPRK;

- immediately reveal the fate and whereabouts of all persons subjected to enforced disappearance; and

- establish immediately a moratorium on executions with a view to abolishing the death penalty, and commute without delay all death sentences to terms of imprisonment.

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[1] Amnesty International, "*North Korea: new images shows blurring of political prison camp and villages in North Korea*", 7 March 2013, ASA 24/004/2013.